THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 16375 of 2005

21-09-2005

Between:

Alluri Venkata Ramaiah.

.....PETITIONER

AND

The Andhra Pradesh State Council of Higher Education, Hyderabad,

Rep. by its Secretary & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 16375 OF 2005

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

This petition has been filed, challenging the order permitting respondent No.5 to run an un-aided Degree College, mainly on the ground that respondent No.5 is not having the infrastructure required under the Rules, for opening a college. Counter affidavits have been filed.

One of the allegations levelled against the petitioner was that he himself is running a college in that area, therefore, he does not want another college to come up there. Though the petitioner has filed a rejoinder, he has not denied this. Therefore, we have our own doubts whether the petitioner has come to this Court with clean hands and really with public interest or personal interest. However, we have seen from the record that the property, which is mentioned in the order granting sanction, is not in the hands of respondent No.5 as on today. The petitioner has produced a record that this property bearing Door No.4-42, Main Road, Podalakuru, Nellore District, was auctioned by the Bank and is in possession of a third party now. This has not been even disputed by respondent No.5. The inspection report shows that there were two buildings shown to the inspection party at the time of inspection, but while granting sanction, another building was not mentioned by the competent authority. There is a condition in the order that respondent No.5 has to obtain affiliation from the University and we are told at the Bar that while granting affiliation, the University authorities also make inspection. It is also stated at the Bar that so far, the college has not admitted any students.

Keeping in view all these facts, we dispose of this writ petition, directing respondent No.1 to appoint a Committee, who will inspect the college afresh and give a report as to whether the infrastructure required is available with respondent No.5 or not.

Writ petition is accordingly disposed of. No order as to costs.

(BILAL NAZKI, ACJ)

21st September 2005.

(R.SUBHASH REDDY, J)

ajr